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Letter dated 29 March 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Jordan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 24 March 2006 from the Permanent Representative of Jordan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter dated 13 February 2006, I have the honour to forward to you Jordan's fifth supplementary report pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Zeid Ra'ad Zeid **Al-Hussein**
Ambassador
Permanent Representative

Enclosure*

[Original: Arabic]

The Government of the Hashemite Kingdom of Jordan takes this opportunity to express its appreciation to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism for the active role undertaken by the Committee. The Jordanian Government reaffirms its commitment to the purposes and principles of the Charter of the United Nations and the resolutions adopted by the Security Council, in particular those relating to combating terrorism, and its commitment to the implementation of those resolutions at the national level. That commitment was recently strengthened even further when Jordan itself, on 9 November 2005, was a victim of terrorist attacks that deeply shook the society and confirmed once again that terrorism is a worldwide phenomenon that cannot be ignored. The attacks also strengthened the Jordanian Government's conviction that there is an urgent need for stronger measures, both national and international, in order to deal with the phenomenon at the root. What follows contains Jordan's replies to the clarifications sought by the Committee in its letter of 13 February 2006 relating to the fourth report submitted by Jordan pursuant to paragraph 6 of resolution 1373 (2001).

1. Implementation measures

Criminalization of the financing of terrorism and protection of the financial system

1.1 The Committee has taken note of the provisions of the Jordanian Penal Code (Act No. 16 of 1960) that criminalize the financing of terrorism and urges Jordan to revisit its domestic legislation on the matter, since those provisions do not appear to be consistent with paragraph 1 (b) of resolution 1373 (2001) and do not reflect adequately article 2 of the International Convention for the Suppression of the Financing of Terrorism, to which Jordan is a party, having deposited its instruments of ratification on 28 August 2003. The Jordanian Government wishes to reaffirm its lively interest in strengthening Jordanian legislation on counter-terrorism in general and terrorist financing in particular. For that reason, one of the recommendations of the national committee established to consider accession to the International Convention for the Suppression of Terrorist Financing was that, once the instruments of ratification had been deposited, terrorist financing operations should be criminalized through the passage of appropriate penal provisions, and deterrent penalties should be imposed commensurate with the serious nature of the offences. In consequence, the Jordanian Government is in the process of framing a comprehensive counter-terrorism law.

1.2 The Counter-Terrorism Committee has asked to be informed about progress towards Jordan's accession to the Convention on the Physical Protection of Nuclear Material. The Jordanian Government is currently considering the possibility of accession. As indicated in Jordan's fourth report, a proposal has been made to amend the Nuclear Power and Radiation Protection Act (Act No. 29 of 2001) by adding an article listing the offences provided for in that Convention and the penalties to be imposed on the perpetrators of such offences, since the provisions governing terrorism in the Jordanian Penal Code (Act No. 16 of 1960) do not cover

* Attachments are on file with the Secretariat and are available for consultation.

terrorist acts carried out using nuclear materials. Hence there is a need to adopt explicit provisions, leaving no room for interpretation, on the nature of such acts and on the penalties to which their perpetrators are subject. The proposed draft amendment has been referred to the Legislation and Opinion Bureau of the Office of the Prime Minister, which is the executive authority competent to consider draft acts. Currently, the Bureau is studying the proposal in conjunction with the Director-General of the Jordanian Nuclear Energy Commission and the other Jordanian authorities concerned. As for the International Convention for the Suppression of Terrorist Bombings, the Jordanian Government is considering the possibility of acceding to it. In response to questions about the anticipated time frame for Jordan's accession to the International Convention for the Suppression of Acts of Nuclear Terrorism, Jordan is pleased to report to the Committee that its Government signed the Convention on 16 November 2005, being convinced of the necessity of adopting every available means of preventing weapons of mass destruction, and particularly nuclear weapons, from falling into the hands of terrorists and non-State actors.

1.3 With regard to the Committee's request to be informed of progress in the passage of the draft act on the suppression of money-laundering (No. .... of 2003), the Legislation and Opinion Bureau of the Office of the Prime Minister, which, as indicated earlier, is the executive authority competent to consider draft acts, completed its consideration of the draft. Having been approved by the Ministerial Committee for Legal Affairs, the draft was presented to the Prime Minister, who submitted it to the Council of Ministers for a decision. The decision was made to refer the draft act to the legislature to be considered for passage in accordance with the Constitution. It is anticipated that the draft will become law once the constitutional procedures for its promulgation are completed in accordance with article 91 of the Jordanian Constitution of 1952, which stipulates that "[t]he Prime Minister shall refer to the Chamber of Deputies any draft act, and the Chamber shall be entitled to accept, amend or reject the draft act, but in all cases the Chamber shall refer the draft act to the Senate. No law may be promulgated unless passed by both the Senate and the Chamber of Deputies and ratified by the King".

1.4 As the Committee requested, a copy of the Banks Act (No. 28 of 2000), in English, is attached.

1.5 As for the draft act on the suppression of money-laundering providing for the establishment of an anti-money-laundering unit which will be vested with the authority to receive and analyse reports on suspected money-laundering operations and the question whether this unit will also be empowered to receive suspicious transaction reports (STRs) related to terrorism, regardless of whether the funds used for terrorist purposes are illegal or legal in origin, and also with reference to the Committee's request for an explanation of the relationship between the Bank Supervision Department, which is also vested with the authority to receive STRs, and the future anti-money-laundering unit, it is not possible at this point in time to predict what amendments to the said draft act may be introduced by the Chamber of Deputies in that regard, since the Chamber is still considering the draft act dealing with the above points.

1.6 The Jordanian Government reaffirms its intention to examine afresh the possibility of the extension of the reporting obligation to other intermediaries such as lawyers, notaries and accountants in order effectively to implement paragraph 1 (c) of resolution 1373 (2001), given that such intermediaries prepare or carry out

transactions involving the management of their clients' funds, securities and other assets and the purchase and sale of business entities and should consequently be required to report suspicious transactions. Regarding the question whether there are any penalties for failure to comply with the reporting obligation, the Central Bank of Jordan, pursuant to the Banking Code (Act No. 28 of 2000), the Central Bank of Jordan Act (No. 23 of 1971), the Money-Changing Operations Act (No. 26 of 1992) and the regulations and directives issued under those acts, is empowered to take measures and impose penalties in the event of violation of any of the provisions of those legislative acts. In addition, under the draft act on the suppression of money-laundering (currently before the Chamber of Deputies), the terms of reference and powers of the anti-money-laundering unit will be defined on the basis of directives issued by the Governor of the Central Bank pursuant to the provisions of the act. Inasmuch as, on the one hand, the power to receive reports is one of the requisite fundamental powers for the operation of that unit and, on the other hand, the entities subject to the reporting requirement will be bound by the regulations to be issued by the Council of Ministers and the directives to be issued by the Governor of the Central Bank in accordance with the act in question, it follows that any violation, by any entity coming within the purview of the said law, of any provision thereof or of the regulations or directives issued for its implementation (including the reporting obligation) will be liable to the penalty provided for in article 10 (c) of the draft act, namely imprisonment for a term of not less than six months or a fine of not less than 10,000 dinars. In response to the Committee's request for an outline of the criteria and principles to be followed by financial institutions in detecting suspicious transactions, one might summarize them as follows:

(1) On 5 August 2001, the Central Bank of Jordan issued Directive No. 10/2001 on combating money-laundering together with an annexed instruction manual prepared for the purpose of assisting in the recognition of patterns suspected of involving money-laundering operations;

(2) The Central Bank of Jordan periodically issues to all banks operating in the Kingdom circulars on the implementation of Security Council resolutions, especially those relating to counter-terrorism. Among other things, it notified all banks of the Committee's Internet site;

(3) The Central Bank has circulated a Guide to Information and Sources of Assistance in the Field of Counter-Terrorism designed to be a source of information on best practices regarding counter-terrorism model laws and available assistance programmes;

(4) The Central Bank requests banks operating in the Kingdom to report to it any banking operation of any natural or legal person whose name appears in the lists prepared by the committees established pursuant to Security Council resolutions, such as Security Council resolution 1267 (1999);

(5) Banks operating in the Kingdom strive to comply with policies and procedures that are in keeping with the sound practices advocated by the Basel Committee on Banking Supervision and the standards of the Financial Action Task Force on Money Laundering (FATF);

(6) Central Bank of Jordan Directive No. 10/2001, mentioned in subparagraph (1) above, requires banks to establish internal procedures to combat money-laundering. Such procedures must include at least the following:

- Internal monitoring procedures that are constantly updated so as to make it possible to identify any money-laundering attempt;
- Designation of a liaison officer for coordination with the Central Bank in this field;
- Institution of ongoing training programmes for employees combating money-laundering operations and suspicious transactions in general so as to develop their ability to detect such transactions and the related patterns and to deal with them;
- Requirement for internal audit boards in banks to check control and monitoring systems and make sure that they are effective in dealing with money-laundering operations;
- Development of integrated systems for preserving records, correspondence and data pertaining to unusual banking transactions and those whose value exceeds 10,000 Jordanian dinars so as to make it possible to comply with requests by the competent authorities whenever necessary, it being understood that such data should be kept for at least five years from the date of the transaction;
- The requirement that every staff member notify his supervisors immediately in the event that he suspects or discovers a money-laundering operation; here it must be pointed out that neither the bank nor any of its staff members should draw the client's attention in any way whatsoever to the fact that the transaction to be carried out is suspected of involving money-laundering;
- The requirement for banks, should they come to know that the carrying out of any banking transaction or the payment of any sum is or might be connected with any crime or any unlawful act, not to carry out the operations; to freeze, as a precautionary measure, the funds connected therewith; and to notify the Central Bank immediately.

1.7 Regarding the Committee's request to Jordan to provide an outline of the provisions of the draft act on the suppression of money-laundering which would regulate alternative funds transfer services, inasmuch as there are no current legal provisions governing alternative funds transfer services and no such services are licensed by the Central Bank, the draft act in its present form contains no explicit provision in that regard. Its article 16, however, does provide that "[T]he Council of Ministers shall issue the regulations necessary for the implementation of the provisions of the present Act", which signifies that this question will be covered by regulations to be issued by the Council of Ministers in that regard.

Effectiveness of customs, immigration and border controls

1.8 Concerning the Committee's question regarding the outlining of monitoring strategies and methods employed by customs officials to ensure the security of shipments entering and exiting the territory by all modes of transport against acts of terrorism and the question regarding the extent to which such measures and plans take into account the work of the World Customs Organization (WCO) and Standards to Secure and Facilitate Global Trade, the Customs Department usually receives official letters from the Minister for Foreign Affairs relating to the implementation of the resolutions and recommendations emanating from the Security Council aimed at combating terrorism and suppressing its financing. In

most cases what is involved is lists of persons and organizations classified as terrorist, such as the lists issued pursuant to Security Council resolution 1267 (1999). The Customs Department issues circulars to all customs posts, including land, sea and air entry/exit points, instructing them to abide by the provisions of the resolutions and the recommendations contained in them relating to counter-terrorism. Concerning monitoring strategies and methods employed by customs officials to ensure the security of goods entering and exiting the country by all modes of transport for the purpose of preventing acts of terrorism, such strategies and methods relate to the practices and procedures referred to in the Customs Act (No. 20 of 1998), as amended, and include, inter alia, random inspection and verification of goods and documentation and monitoring of roads. The Customs Department is also authorized to open packages for inspection when they suspect that they contain prohibited or illegal materials. The Customs Department deals with merchandise in accordance with the categories established by law, for example, the laws concerning prohibited goods or any merchandise whose import or export is prohibited under the Customs Act or any other law the Customs Department is required to enforce in exercise of its monitoring functions at customs border posts. In accordance with the Customs Act, the Customs Department has published a list of prohibited merchandise subject to customs control, including any types of narcotic drugs and psychotropic substances, poisonous substances detrimental to public health and any types of weapons, munitions and explosives. It should be pointed out that, despite the requirement for customs officials to inspect all merchandise fully or partially before import or export once the customs declaration has been received, on occasion the merchandise is exempted from inspection, and the procedures are limited to the receipt of documentation, so that the goods proceed directly to customs clearance and measures are simplified in accordance with the random inspection and risk analysis method, which takes into account dangerous goods and persons with criminal records or those on whom information has been received, as part of the goods inspection data. It should also be noted that, under the Customs Act, officials of the Customs Department responsible for enforcing customs and counter-terrorism laws have the right to inspect merchandise and the means of transport and to search individuals, as those officials are considered to be acting as judicial customs police (article 171 (a) of the Customs Act). Measures to investigate illicit trafficking and to combat customs irregularities include holding of merchandise while it is being investigated in the maritime and land customs zones and premises, and in general, at any location subject to customs supervision, including warehouses and general and special depots, even if they are located outside maritime and land customs zones. In addition, Customs Department officials have the right to conduct external verification and monitoring and to request information on bills of lading, merchandise declarations, commercial correspondence, contracts, account ledgers and any other documentation relating to customs or non-customs operations, and to confiscate them on behalf of any body having jurisdiction over the customs operation in question. Likewise, in order to streamline and facilitate the movement of merchandise, X-ray inspection equipment is used at land, sea and air access points. The function of the Customs Department is linked to the implementation of laws directly related to combating terrorism through the exchange of information, seizure of goods and their transfer to the competent specialized agency, given that the Customs Department is part of the Department of Border Administration, established as a result of a decision of the Council of Ministers, which encompasses all agencies concerned with border crossings, for

which it performs the functions of coordination, planning and exchange of information. Therefore, the laws governing the operations of the Customs Department give it a balanced role, which combines combating terrorism with facilitating the movement of goods, in accordance with the Agreement Establishing the World Trade Organization.

1.9. With regard to the initiation by the International Civil Aviation Organization (ICAO) of a Universal Security Audit Programme to audit all Contracting States' compliance with Annex 17 to the Convention on International Civil Aviation, and the request to indicate whether or not Jordan has any difficulties in implementing that Annex and, if so, to explain the type of difficulties encountered, Jordan is one of the 189 States that have signed the five agreements on international civil aviation security (Tokyo Convention, The Hague Convention, Montreal Convention, Protocol to the Montreal Convention and the Convention on the Marking of Plastic Explosives for the Purpose of Detection), as detailed in the fourth report. As an ICAO member State, Jordan has undertaken to implement all the international standards and practices relating to civil aviation security set out in Annex 17 (Security) to the 1944 Chicago Convention on International Civil Aviation. To comply with those requirements, the Jordanian Government has incorporated the relevant standards and recommendations set out in Annex 17 into the following legislative instruments and national publications: Act No. 50 of 1985 concerning civil aviation; national legislation on civil aviation; the National Civil Aviation Security Programme; the Jordanian airport security programme; the programme for aeronautical employees; and associated operational measures. In order to ensure the uninterrupted implementation of those standards, this overall legal regime is constantly monitored to verify the quality of aviation security. That monitoring is carried out by the ICAO Universal Security Audit Programme; most member States that operate flights to and from Jordan, who carry out international audits; Jordan's Civil Aviation Authority, which systematically and continuously enforces the national regulations on quality control through a national division that ensures that the international standards and practices are implemented by conducting inspections, assessments, audits and investigations and taking supplementary measures designed to bridge any gaps; and, lastly, the national division of the Jordanian Civil Aviation Authority responsible for monitoring the implementation by aeronautical employees of the local control regulations. Furthermore, in July 2005, ICAO conducted an audit of Jordan's civil aviation security regulations, the results of which were excellent and confirmed Jordan's strict compliance with the standards set out in Annex 17 (Security) of the Chicago Convention. ICAO also made a series of recommendations, which have resulted in the adoption of a number of corrective action plans that are to be implemented by all the relevant national bodies within a specified time frame. ICAO sent a detailed report containing its conclusions. The measures contained in the corrective action plan for the Universal Security Audit Programme drawn up for Jordan by ICAO in July 2005 are as follows:

1. All the competent bodies (the Jordanian Airport Authority, the Special Security and Protection Unit and Jordan's national airline (Royal Jordanian Airlines)) have prepared corrective action plans for airports, which must be implemented within a specified time frame and complied with by everyone, regardless of their functions;

2. Once it had made the necessary adjustment following the departure of the ICAO team from Jordan, the Jordanian Civil Aviation Authority drew up corrective action plans at the national level;

3. Once the national corrective action plans and those for airports had been reviewed and adjusted by the Jordanian Civil Aviation Authority and transmitted to ICAO, in accordance with the procedures set out in the international civil aviation security audit, they were combined to form a single document;

4. The Jordanian Civil Aviation Authority has divided the corrective action plans into three separate parts, which have been distributed to the authorities concerned (the Airport Authority, the Special Security and Protection Unit and Royal Jordanian Airlines), who have been asked to implement the corrective measures within the specified time frames;

5. The Jordanian Civil Aviation Authority regularly implements supplementary measures in accordance with international standards and criteria. At the appropriate time, it notifies ICAO of the implementation of the various elements of the corrective action plans;

6. Upon the expiry of the final deadline specified in the plans, ICAO will audit the aforementioned elements, which must be implemented within the time frame specified by Jordan, which runs until the end of 2006;

7. A number of the elements require the approval of the General Command of the Jordanian Armed Forces, such as extending the period, currently two years, for which members of the Armed Forces are seconded to the Special Security and Protection Unit and other elements that will be discussed at the first meeting of the National Supreme Committee for Civil Aviation Security.

1.10. With regard to the question concerning a limit on the amount of currency or negotiable instruments that an individual may carry when entering or exiting Jordan, while the export of precious metals requires prior authorization from the Central Bank, no other restrictions apply to the export and import of cash, negotiable instruments, precious stones and metals. In accordance with the provisions of article 1 of the Foreign Currency Directive of 1997, which was promulgated by virtue of Act No. 95 of 1966 concerning the control of foreign currency, there is no maximum limit applicable to the import and export of Jordanian or foreign means of payment and gold, since the aforementioned article 1 provides that authorization shall be given, without any restrictions, for the entry and exit of Jordanian or foreign means of payment (banknotes and coins) and gold. With regard to the Committee's question as to whether there is any legal requirement that the physical transport of currency or negotiable instruments across Jordan's borders must be declared to the competent authorities, the Jordanian Central Bank has not yet issued any directives on that subject.

Effectiveness of international judicial cooperation

1.11. The Jordanian Government takes very seriously the Committee's recommendation that it should develop specific legal instruments to ensure the implementation of paragraph 2 (f) of resolution 1373 (2001), which provides that all States should afford one another the greatest measure of assistance in connection with investigations relating to terrorist offences. Although the Extradition of Fugitive Criminals Act of 1927 addresses the issue of mutual assistance in criminal

matters, in particular the extradition of criminals, a special committee, chaired by the Secretary General of the Ministry of the Interior, has been established to prepare a draft act on counter-terrorism. The committee has completed the first draft of the act, which includes an article specifically devoted to the issue of mutual assistance among States in connection with terrorist offences. The draft act will be finalized (it is currently being reviewed by the Legislation and Opinion Bureau) and then, given the Jordanian Government's considerable interest in this matter, the appropriate steps will be taken to have it promulgated by means of the emergency constitutional procedure. In this connection, the Jordanian legislature has also adopted an act (Provisional Act No. 83 of 2003) ratifying the International Convention for the Suppression of the Financing of Terrorism, article 12 of which addresses the issue of mutual legal assistance among States in criminal matters in connection with terrorist offences. Paragraph 1 of that article provides as follows: "States Parties shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal or extradition proceedings in respect of the offences set forth in article 2, including assistance obtaining evidence in their possession necessary for the proceedings". Paragraph 2 states: "States Parties shall not deny a request for mutual legal assistance on the ground of bank secrecy". Moreover, in accordance with article 147 (2) of the Jordanian Penal Code (Act No. 16 of 1960) any bank transaction related to terrorist activities constitutes a terrorist act and the Prosecutor General, in coordination with the Central Bank and any relevant domestic or international party, is vested with broad powers to carry out the appropriate investigations.

1.12 In response to the Committee's question as to whether, given the fact that under the Extradition of Criminals Act extradition is subject to the existence of a bilateral or international agreement in that area, Jordan can extradite on a basis of reciprocity, the legislative branch has set out the conditions that must be met in the request if the extradition of the person sought is to be granted. Article 7 of the amended version of Act No. 33 of 1972 concerning the extradition of criminals establishes the general principles for the extradition of criminals. In accordance with that Act, the competent Jordanian authorities will grant only those requests for extradition received from Arab or foreign States that are linked to the Kingdom by an international agreement that has been approved in accordance with the relevant constitutional procedure. Accordingly, the reciprocity regime does not apply to the extradition of criminals.

1.13 The Committee has asked whether the offences set forth in international counter-terrorism conventions and protocols to which Jordan is a party have been included as extraditable offences in the bilateral treaties which Jordan has concluded with other States, and whether such offences are criminalized in Jordan's legal system, taking into account that some provisions of those agreements (and the offences included in them) are not self-executing and cannot be implemented by the courts without the promulgation of national legislation defining the nature of the penalties and the acts criminalized. As indicated in its fourth report, Jordan has ratified 10 of the 12 international counter-terrorism conventions (and has also recently signed the International Convention for the Suppression of Acts of Nuclear Terrorism, on 16 November 2005). The Jordanian Government is continuing its efforts to implement these international conventions and protocols and is presently considering the possibility of acceding to the other two conventions. The Jordanian Government is determined to continue making the preparations necessary to

guarantee the effective application of those conventions and protocols and their conformity with the provisions of the legislation in force in the Kingdom, so that the offences included in those conventions and protocols will be criminalized in national law. Furthermore, the Government has amended the Jordanian Penal Code (Act No. 16 of 1960) by Act No. 54 of 2001, in accordance with resolution 1373 (2001), which was adopted following the events of 11 September 2001. That involved amending the provisions by which acts of terrorism are criminalized, including the financing of such acts and conspiracy to commit them, which are set forth in its articles 147 to 149. Article 147, paragraph 1, states that terrorism means "the use of violence or threat of violence, regardless of its motives or purposes, to carry out an individual or collective act aimed at disturbing public order or endangering public safety and security where such is liable to spread alarm or terror among the population or jeopardize their lives and security or cause damage to the environment, public facilities or property, private property, international facilities or diplomatic missions, or where it is aimed at occupying or taking over such premises, endangering national resources or obstructing the application of the provisions of the Constitution and laws". Under paragraph 2, any act relating to any banking transaction connected with terrorist activity (including the financing of terrorism) is deemed to be a terrorist act, and the Prosecutor General, acting in coordination and cooperation with the Central Bank and any relevant domestic or international party, is vested with broad powers to make a preventive seizure of the suspect funds, confiscate such funds, conduct the necessary investigations and refer the case to the competent court if it is established that the transaction in question is connected with a terrorist activity. Articles 148 and 149 list the penalties to be imposed in the event of perpetration of any of the acts for which the provision is made. These are deterrent penalties commensurate with the serious nature of such offences; they range from hard labour for a period of not less than five years to the death penalty. Moreover, as indicated above, within the framework of drafting the counter-terrorism act, which will include a number of the offences contemplated in the conventions and protocols ratified by Jordan, the Government has prepared a draft act on the suppression of money-laundering, which is currently being considered by the legislature with a view to its passage in accordance with the provisions of the Constitution. The draft act addresses in particular the suppression of money-laundering operations that are linked to terrorist activity or funds used to finance terrorism. The question of the inclusion of crimes which, by virtue of the counter-terrorism conventions and protocols, are included as extraditable offences in the bilateral treaties which Jordan has concluded with other States, will be addressed within the framework of the consultations to be held with the States concerned.

1.14 With regard to the Committee's request for clarification of the criteria that will be used to determine whether an offence is political, and how Jordan intends to implement article 14 of the International Convention for the Suppression of the Financing of Terrorism, which stipulates that the offences set forth in the Convention shall not be regarded as political offences, and that, consequently, the political nature of the offence may not be invoked in order to refuse a request for extradition or for mutual legal assistance, given that article 21, paragraph 1, of the Jordanian Constitution of 1952, provides that "[p]olitical refugees shall not be extradited on account of their political principles or for their defence of liberty", the provisions of article 14 shall apply within the indicated limits. It should also be noted that article 147, paragraph 1, of the Jordanian Penal Code, Act No. 16 of 1960, provides a clear and explicit definition of terrorism, which leaves no room for

doubt as to what constitutes an act of terrorism requiring the extradition of its perpetrator and the provision of legal assistance, and what constitutes a terrorist act which may be included among the political acts that may be subject to the provisions of article 21, paragraph 1, of the Constitution. It should be noted in this regard that the Jordanian Government, when depositing the instruments of ratification of the International Convention for the Suppression of the Financing of Terrorism, on 28 August 2003, made the following statement: "The Government of the Hashemite Kingdom of Jordan does not consider acts of national armed struggle and fighting foreign occupation in exercise of a people's right to self-determination as terrorist acts within the context of paragraph 1 (b) of article 21 of the Convention".

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1. With respect to measures adopted by Jordan to prohibit by law incitement to commit terrorist acts, and to the consideration of further steps to address this question, the Jordanian Penal Code includes numerous provisions, contained in its articles 147 to 149, which criminalize terrorist acts, including incitement to commit them. Article 148, paragraph 1, provides that conspiracy to commit an act or acts of terrorism shall be subject to penalties of hard labour. Article 20 of the same Code provides that "if the Code does not include a specific provision in this regard, the minimum sentence of imprisonment and hard labour shall be three years and the maximum sentence shall be 15 years". The Government's draft counter-terrorism act contains various measures and provisions to prohibit incitement to commit terrorist acts, in particular surveillance of the suspect's domicile, movements and means of communication, the imposition of a travel ban on any suspect; the registration of the suspect's place of residence and the seizure of any of his possessions that are consistent with terrorist activity, in accordance with the provisions of the law; and the seizure of any funds suspected to be related to terrorist activity.

2.2. With respect to the measures taken by Jordan to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit terrorist acts, in terms of legal provisions, the draft counter-terrorism act contains a series of measures to deny safe haven to any person with respect to whom there is credible information or suspicion that he may be guilty of incitement to commit terrorist acts (see answer to question 1.2). In terms of implementation, if there is any information concerning any person, obtained in the course of investigations or from any other source, which implicates him in matters relating to terrorism, an arrest warrant is issued and circulated to land, port and airport border posts, and once his records and criminal activity have been confirmed in the database of the security forces, he is detained if he attempts to enter or exit the Kingdom and is questioned about the information in the possession of the competent authorities. If the investigation produces conclusive evidence of his involvement in matters which relate to terrorism or which affect Jordan's internal or external security, whether he committed the act itself or merely prepared or planned its commission, or incited others to commit it, the person is subject to the relevant security measures, according to which he is committed for trial in the State Security Tribunal, which is responsible for hearing cases relating to terrorism in accordance with article 3,

paragraph 1 (a), of Act No. 17 of 1959 concerning the State Security Tribunal. If investigations reveal that the person is involved in the commission of acts of terrorism or in incitement to commit such acts in a friendly or neighbouring State, or in a State that has signed an extradition agreement with the Kingdom, and if the conditions necessary for his extradition are satisfied under such an agreement, the detainee is extradited to that State. In this regard it should be noted that through the Border and Alien Affairs Bureau, the State security forces provide information and observations concerning persons arriving in the Kingdom, so that the law enforcement authorities can be informed about them and keep them under surveillance, by determining their place of residence and assigning them to a respectable person who will answer for them so that the security forces can detain them in the event that they are proven to be involved in acts of terrorism, in their planning, or in incitement to commit them.

Paragraph 2

2.3 With regard to the question as to how Jordan cooperates with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures, the following should be taken into consideration in addition to the responses in paragraph 2.2. A central role is played by the Border and Alien Affairs Bureau, a specialized agency within the Department of General Security entrusted with protecting land and sea borders and conducting aerial border patrols using helicopters. With a view to effective prevention of the movement of terrorists or terrorist groups, Jordan has a unified computer database installed at every entry and exit point to record information on arriving or departing travellers. Specialized security forces impose strict security measures and conduct border surveillance operations at most border posts; they verify that documents used are legal and genuine. In addition, most border posts have sophisticated modern technical equipment designed to detect forged documents, enabling any document to be checked by technically trained and qualified security staff. Advanced X-ray or gamma-ray scanning equipment has also been installed at main border posts to detect attempts to bring arms, bombs or explosives into the Kingdom. Protection of parts of the international border which have no official border posts or crossing points is in the hands of the Jordanian armed forces, in addition to the State security forces, which use specialized border-surveillance units which have modern technology, including night-vision equipment. Jordan also has offices for military liaison with neighbouring States; they deal with border-security issues and help to facilitate implementation of the bilateral agreements on those issues. Border-surveillance coverage is complete, thanks to coordination between the State security forces and the Jordanian armed forces, which deploy infantry and mobile vehicle patrols at land and sea borders, crossing points and airports; to electronic surveillance equipment installed to prevent the infiltration into the Kingdom of wanted persons and of illegally trafficked arms, explosives and munitions; and to helicopters of the security forces and armed forces. Jordan works with neighbouring States to strengthen the security of its international borders and prevent access to its territory by persons who might incite to acts of terrorism, by exchanging police information regarding suspects, their tracking and detention, by facilitating their extradition to States which have issued warrants for such persons to be traced and

arrested, in accordance with whatever extradition agreements might exist with those States and by making them available to the courts for trial and deportation following trial. Persons detained for possession of forged documents are questioned to determine how and why the documents in question were forged and efforts have been made to investigate arrangements for trafficking persons into and out of Jordan, as some deportees have used false passports to return following deportation, and been deported once again after the recording of detailed information on them to ensure that they do not return illegally. That information is transmitted to the International Criminal Police Organization (Interpol) for inclusion in its stolen travel documents database. Specialized equipment records detailed data on persons entering the Kingdom for employment, residence, tourism, study or other reasons, and checks are made to verify that the persons' details coincide and that their stay is legal. A record is made of their accommodation arrangements, the name of the person sponsoring them and their address, so that violators can be detained and deported.

Paragraph 3

2.4 With regard to the question as to what international efforts Jordan is participating in or considering participating in order to enhance dialogue and broaden understanding among civilizations, Jordan has taken part and continues to take part in the various international conferences and meetings convened for those purposes. It was one of the first States to encourage facilitation of a dialogue between different religions and promotion of a proper understanding of moderate Islamism. One of the most important steps in that regard was the Amman Message delivered by His Majesty the King in November 2004 declaring that "[o]n religious grounds, on moral grounds, we denounce the contemporary concept of terrorism", and "we call on the international community to work seriously on implementing international law and ensuring respect for United Nations conventions and resolutions", and urging their acceptance by all parties in order to make them effective. The *ulema* participating in the conference made a number of recommendations aimed at prohibiting an individual who is not an *ulema* or *faqih* from declaring an individual to be an infidel or from issuing a *fatwa*. Furthermore, mosques and some cultural and religious centres play an important role in promoting a correct understanding of Islam and the various bodies of the State have taken coordinated action to prevent terrorist organizations and elements from infiltrating such mosques and centres and using them for their own ends.

2.5 With regard to the steps Jordan is taking to counter incitement to terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters, articles 147 to 149 of the Jordanian Penal Code contain many provisions defining acts of terrorism, and incitement to commit them, as crimes. Article 148, paragraph 1, stipulates that any incitement to commit an act or acts of terrorism shall be punishable by a sentence of forced labour. Jordan has taken part and continues to take part in the various international counter-terrorism conferences held around the world, with a significant presence. Moreover, as was mentioned earlier, Jordan is a signatory to a number of agreements to combat terrorism and transnational organized crime and was one of the first States to warn of the seriousness of the rise in and expansion of terrorism and to take steps to counter the phenomenon. Again as already explained, terrorism-related issues are the competence of the State Security Tribunal, in

accordance with the provisions of article 3, paragraph 1 (a), of Act No. 17 of 1959 concerning the State Security Tribunal, and subsequent amendments thereto, which guarantees the independence of judicial proceedings and subjects the Tribunal's rulings to appeal. In addition, the security forces act under the terms of the law, which gives them the powers required to conduct surveillance and tracing of terrorist elements.

Paragraph 4

2.6 With regard to action taken by Jordan to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law and humanitarian law, the various security bodies operate within the framework of the law and endeavour to respect it. On principle, it is not legitimate to detain anyone except in accordance with the provisions of the law. Pursuant to article 103 of Act No. 9 of 1961 concerning criminal court procedures, as subsequently amended, an individual may only be detained and imprisoned by order of the competent authority and in accordance with the law. The Kingdom's correctional and rehabilitation centres, including the detention facilities of the intelligence service and military tribunals, are open to inspection by representatives of the International Committee of the Red Cross, human rights committees and the Public Freedoms Committee of the Legislature, and the judiciary keeps such centres under constant supervision. Granting of the right to asylum on humanitarian or political grounds relates in the first instance to the basic obligation contained in article 21, paragraph 1, of Jordan's 1952 Constitution, which establishes that: "Political refugees shall not be extradited on account of their political beliefs or for their defence of liberty." Nevertheless, there is a provision which prohibits the granting of the right to asylum to any person with a relationship or connection to terrorist activities, and there are measures and mechanisms to verify that an applicant does not have such a connection before he is granted the right to asylum. The Council of Ministers, as the body responsible for considering asylum requests submitted by aliens is obliged to use all the security facilities available to it to check that the applicant is not a terrorist, is not involved in another crime and is not a fugitive from justice. The Council of Ministers will deny the right of asylum to, or rescind the right of asylum of, such individuals, if it is proved that they have committed a crime (terrorism or another offence), or if granting the right of asylum would be against the interests of the State in the context of its international relations.

The Government of the Hashemite Kingdom of Jordan wishes to reaffirm its desire to take all the measures necessary to promote international efforts against terrorism, a phenomenon of which Jordan has become a direct victim. The Government of Jordan also wishes to express its thanks for the effective work undertaken by the Chairman and members of the Committee and Jordan's readiness to work with the Committee and other States to eliminate the phenomenon of terrorism, a goal to which it ascribes the utmost priority. Lastly, the Government of Jordan thanks the Committee for its technical assistance, advice and guidance regarding implementation of resolution 1373 (2001) and would welcome any clarification that it might receive regarding any aspect of that implementation.